



b. A summary of the facts and opinions on which the expert is expected to testify.

1. David Shotwell. Mr. Shotwell is an applications engineer employed by DMG MORI USA. His responsibilities include customer training and advice regarding proper use of DMG MORI machines. His regular responsibilities do not include providing expert opinions and he has not previously appeared as an expert witness. Mr. Shotwell is expected to testify about his observations during visits to MCR in May 2019 and January 2020, and his opinions based on those observations.

a. In May 2019 Mr. Shotwell visited MCR to train MCR operators who had been hired subsequent to the installation of the CTX machines. He observed that the operators were not using the bar feeder to feed bars in automated mode. He found that the bar feeder (not a DMG MORI product) was out of alignment with the spindle and that it was not programmed properly. He adjusted the bar feeder and corrected the program. In his opinion, attempts by MCR to operate the bar feeder with the incorrect program would have resulted in alarms and that operating without the bar feeder would reduce productivity. During this visit Mr. Shotwell also observed that MCR was using third-party software from Esprit to program machine operations and that the program MCR was using was not properly configured for the CTX machines and, in particular, included program lines referencing components that were not part of the CTX machines. In his opinion, the incorrect programming would have caused alarms. Mr. Shotwell discussed the Esprit programming with Jim Coleman (MCR's programmer) but Coleman was resistant to changing the program. Mr. Shotwell prepared a posting program for the part MCR was machining at the time and provided it to MCR.

- b. In January 2020 Mr. Shotwell, together with other DMG MORI personnel, visited MCR. Mr. Shotwell observed that a turret was not indexing correctly. He found that MCR had mounted tools on the turret whose aggregate weight exceeded the maximum load specified in the product manual. In his opinion, the excessive weight caused the mis-indexing. Another DMG MORI engineer adjusted the turret speed to accommodate the weight of the tools MCR wished to mount on the turret. Mr. Shotwell also observed that coolant had leaked into the turret. He found that a tool-holder had been moved from the other CTX machine but had not been properly bolted to the turret, leaving a gap that allowed coolant to enter the turret. Mr. Shotwell also observed that the collet chuck on the subspindle was deformed, which interfered with the smooth transfer of the workpiece from the main spindle to the subspindle. He found that MCR was using excessive pressure on the collet and, in his opinion, that was causing the deformation and resulting operational problems. Mr. Shotwell also observed that MCR was still not programming the bar feeder correctly and that it had removed a component (the v-ramp) that is used to connect the bar feeder to the spindle liner to enable the bar feeder to load short bars. Mr. Shotwell adjusted the pressure on the collet, re-installed the v-ramp, and corrected the bar feeder program. On January 31, 2020, Mr. Shotwell observed the CTX machine operating throughout the day without any problems.
- c. In Mr. Shotwell's opinion, MCR's failure to program the machines correctly and its operational errors were the cause of alarms, operational problems, and inefficiencies.

Respectfully submitted,

*/s/ S. Jan Hueber*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served upon counsel of record in accordance with the Federal Rules of Civil Procedure on the 29<sup>th</sup> day of January 2021.

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